

**DEPARTMENT OF HEALTH CARE FINANCE****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02) and section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)) hereby gives notice of the intent to adopt an amendment to section 949 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled "Reimbursement Principles and Limitations" and section 999 of Chapter 29 of the DCMR entitled "Definitions."

This proposed rulemaking amends section 949 ("Reimbursement Principles and Limitations") by stating new standards governing reimbursement by the District of Columbia Medicaid Program to Psychiatric Residential Treatment Facilities (PRTFs), including an increase in current per diem rate for PRTFs from two hundred fifty dollars (\$250.00) to three hundred five dollars and sixty-eight cents (\$305.68). The rulemaking also amends section 999 ("Definitions") to add a definition for the term "Psychiatric Residential Treatment Facility."

The Medicaid program estimates savings of \$6.6 million in Fiscal Year 2009 and savings of \$27.21 million over the period of Fiscal Year 2009 through Fiscal Year 2012.

The Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules not less than thirty (30) days from the date of publication of notice in the *D.C. Register*.

Section 949 (Reimbursement Principles and Limitations) of Chapter 9 of Title 29 is amended to read as follows:

**949. REIMBURSEMENT PRINCIPLES AND LIMITATIONS.**

- 949.1 The program shall reimburse a Psychiatric Residential Treatment Facility for inpatient psychiatric services for recipients less than twenty-one (21) years of age; or if admitted to the Psychiatric Residential Treatment Facility prior to the age of twenty-one (21) years, until the child reaches his or her twenty-second (22) birthday, if the services are medically necessary and performed under the direction of a physician.
- 949.2 The program shall not reimburse a Psychiatric Residential Treatment Facility for investigational or experimental drugs and procedures, vocational or educational services, expenditures for the personal convenience such as telephone calls, individual television or stereo equipment, or incidental pocket money.

949.3 The program shall reimburse a Psychiatric Residential Treatment Facility at the lowest of the following:

- (a) The Psychiatric Residential Treatment Facility's usual and customary charge;
- (b) The Psychiatric Residential Treatment Facility's audited allowable costs, computed on a per diem basis in accordance with the principles established under Title XVIII of the Social Security Act (Medicare) for psychiatric inpatient facilities;
- (c) The per diem rate allowed under the Medicaid program for Psychiatric Residential Treatment Facilities in the state in which the facility is located, if that state's program covers such facilities; or
- (d) A per diem rate of three hundred five dollars and sixty-eight cents (\$305.68).

949.4 For purposes of § 949.3, "allowable costs" shall include room and board, testing, therapies, physician supervision, prescription and non-prescription drugs, and medical supplies, services or nursing and other direct care personnel, general administrative costs, staff training, transportation of residents to local recreational activities and medical appointments, and capital costs.

949.5 If the recipient has insurance, or if any other person is obligated to pay for any covered services provided by the Psychiatric Residential Treatment Facility, the facility shall seek payment from that source instead of the program.

949.6 The program shall not reimburse a Psychiatric Residential Treatment Facility for:

- (a) Admission of a person with a primary diagnosis of alcoholism, drug addiction, or severe brain damage;
- (b) Days of inpatient care solely for the purpose of performing diagnostic tests that can be performed on an outpatient basis;
- (c) Therapeutic leave of absence days in excess of fourteen (14) days in a twelve (12) month period; and
- (d) Persons who do not have a DSMIV R (Diagnostic Statistical Manual IV Revised) diagnosis.

Add the following definition to Section 999 (Definitions) of Chapter 9 of Title 29 DCMR:

**Psychiatric Residential Treatment Facility** -- any non-hospital facility that meets the requirements found in §§ 441.151 through 441.182 of Title 42 of the Code of Federal Regulations.

Comments on the proposed rules shall be submitted in writing to Julie Hudman, Ph.D., Acting Director, Department of Health Care Finance, 825 North Capitol Street, N.E., 5<sup>th</sup> Floor, Washington, DC 20002, within thirty (30) days from the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the same address.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET, N.W., 2<sup>nd</sup> FLOOR, WEST TOWER  
WASHINGTON, D.C. 20005

NOTICE OF PROPOSED RULEMAKING

FORMAL CASE NO. 945, IN THE MATTER OF THE INVESTIGATION INTO  
ELECTRIC SERVICE MARKET COMPETITION AND REGULATORY  
PRACTICES

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Official Code, of its intent to act upon the proposed tariff of the Potomac Electric Power Company ("PEPCO" or "Company") in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking ("NOPR") in the *D.C. Register*. This notice supersedes the NOPR published at 55 *D.C. Reg.* 6492-6493 (June 13, 2008).

2. On April 25, 2008, PEPCO filed a proposed tariff in which it asserts that the Company, in its February 27, 2006, filing as amended ("February 27, 2006 filing"), updated the Rider Generation Procurement Credit ("GPC") for the third and fourth GPC periods to reflect amounts received from the settlement of the Company's claim "against the Mirant bankruptcy estate related to the Transition Power Agreements."<sup>1</sup> According to the Company, the February 27, 2006, filing completed the GPC calculations for the four GPC periods.<sup>2</sup> PEPCO states that, in the February 27, 2006 filing, "it was noted that the Phase II Settlement Agreement provided for true-ups of any disbursement to a class of customers that differed from the filed amount by over \$100,000 with carrying costs."<sup>3</sup> PEPCO indicates that previous filings have provided true-ups, as necessary, of disbursements through October 2005 "based on the first three GPC periods."<sup>4</sup> PEPCO proposes to provide "the final true-up for the GPC reflecting the period from November 2005 through February 2008."<sup>5</sup> On September 18, 2008, PEPCO modified its proposed tariff and changed the credit for non-residential customers from \$0.000068 to \$0.000056.<sup>6</sup>

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<sup>1</sup> *Formal Case No. 945, In The Matter Of The Investigation Into Electric Service Market Competition And Regulatory Practices ("F.C. No. 945")*, Letter from Anthony C. Wilson, Associate General Counsel, PEPCO, to Dorothy Wideman, Secretary, Public Service Commission of the District of Columbia (April 25, 2008).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *F.C. No. 945*, Letter from Keith Townsend, Assistant General Counsel, PEPCO, to Dorothy Wideman, Secretary, Public Service Commission of the District of Columbia (Sept. 18, 2008) ("Updated

3. To effect these changes, PEPCO proposes to revise the following six tariff pages:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1**

**Thirty-Ninth Revised Page No. R-1**

**Thirty-Ninth Revised Page No. R-2**

**Thirty-Second Revised Page No. R-2.1**

**Eighth Revised Page No. R-2.2**

**Eighth Revised Page No. R-34**

**Eighth Revised Page No. R-34.1**

4. The April 25, 2008 tariff, as amended, may be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Second Floor, West Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the proposed tariff amendment as revised by PEPCO are available upon request, at a per-page reproduction cost from the Office of the Commission Secretary or via the Commission's website at [www.dcpssc.org](http://www.dcpssc.org).

5. Comments on PEPCO's tariff must be made in writing to Dorothy Wideman, Commission Secretary, at the above address. All comments must be received within thirty (30) days of the date of publication of this NOPR in the *D.C. Register*. Persons wishing to file reply comments may do so no later than forty-five (45) days from the date of publication of the NOPR in the *D.C. Register*. Once the comment period has expired, the Commission will take final rulemaking action on PEPCO's filing.

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Eighth Revised Page No. R-34.1"). See also *F.C. No. 945*, Letter from Keith Townsend, Assistant General Counsel, PEPCO, to Dorothy Wideman, Secretary, Public Service Commission of the District of Columbia (Sept. 18, 2008) (Response to Commission Order No. 15062 issued September 11, 2008 directing PEPCO to respond to data request).